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EXAMINER	
MARTIN, NICHOLAS A	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,650	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Nicholas Martin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/22/02* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/4/02 - 11/10/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-64 are presented for examination.

Claim Objections

Claims 24 and 25 objected to because of the following informalities:

2. Claims 24, line 15: has a typographical error in that it is missing a period at the end of the sentence.

3. Claims 25, line 19: has a typographical error in that at the end of the line there are two consecutive colons where there should only be one.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 8-9, 11, 15-18, 21, 23-27, 32-33, 35, 39-40, 44-47, 52-53, 55, 59-60 and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Feeney et al. (hereinafter Feeney), US 6,408,341.

5. As per claim 1, Feeney teaches a peer computing system comprising:

a plurality of peer nodes operable to couple to a network, wherein each of the plurality of peer nodes comprises one or more network interfaces, wherein each network interface is configured to communicate over the network in accordance with at least one of one or more network transport protocols (Col. 2, lines 29-33; Col. 5, lines 42-67; Col. 49, lines 36-38);

wherein the plurality of peer nodes is configured to implement a peer-to-peer environment on the networking according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment (Col. 2, lines 29-33; Col. 5, lines 42-67; Col. 15, lines 34-56; Col. 40, lines 33-48; Col. 49, lines 36-38);

wherein one of the plurality of peer nodes is configured to:

establish a communications channel between a network interface of the peer node and a network interface of another of the plurality of peer nodes (Col. 49, lines 34-46);

transmit messages to the other peer node over the communications channel (Col. 35, lines 15-22; Col. 49, lines 34-46);

receive acknowledgement that one or more of the transmitted messages have been received by the other peer node (Col. 36, lines 38-67);

retransmit messages not acknowledged as received by the other peer node to the other peer node on the communications channel (Col 44, lines 50-56).

6. As per claim 2, Feeney teaches the peer computing system as recited in claim 1, wherein, to transmit messages to the other peer node over the communications channel, the peer node is further configured to:

generate the messages (Col. 12, lines 65-67; Col. 13, lines 1-2);

buffer the messages, and after a window of N messages has been buffered, transmit the N messages to the other peer node over the communications channel, wherein N is an integer greater than one (Col. 2, lines 35-43; Col. 42, lines 16-27; Col. 48, lines 22-34).

7. As per claim 3, Feeney teaches the peer computing system as recited in claim 2, wherein the other peer node is configured to receive the transmitted messages, and after receiving M messages, transmit the acknowledgement to the peer node indicating that the M messages have been received, wherein M is a positive integer less than or equal to N (Col. 5, lines 51-53; Col. 6, lines 2-5; Col. 13, lines 62-67; Col. 14, lines 1-6; Col. 22, lines, 32-40; Col. 36, lines 38-67).

8. As per claim 8, Feeney teaches the peer computing system as recited in claim 2, wherein each f the messages includes a sequence number for use in ordering the received messages on the other peer node (Col. 13, lines 22-28), and wherein the other peer node is configured to:

receive the transmitted messages (Col. 13, lines 54-59, lines 62-67; Col. 14, lines 1-6); and

after receiving the first M messages in the sequence of N transmitted messages as indicated by the sequence numbers, transmit the acknowledgement to the peer node indicating that the first M messages have been received, wherein M is a positive integer less than N (Col. 5, lines 51-53; Col. 6, lines 2-5; Col. 13, lines 62-67; Col. 14, lines 1-6; Col. 22, lines, 32-40; Col. 36, lines 38-67).

9. As per claim 9, the peer computing system as recited in claim 2, wherein each of the messages includes a sequence number for use in ordering the received messages on the other peer node, and wherein the other peer node is configured to:

continue receiving the transmitted messages until the first M messages in the sequence of N transmitted messages as indicated by the sequence numbers are received or a timeout limit from the time of initial receipt of one of the sequence of N transmitted messages is exceeded (Col. 13, lines 22-40; Col. 17, lines 63-67; Col. 18, lines 46-47; Col. 19, lines 13-19; Col. 35, lines 46-48);

if the first M messages in the sequence of N transmitted messages as indicated by the sequence numbers are received, transmit the acknowledgement to the peer node indicated that a count of messages received in continuous sequence from a first message in the sequence of N transmitted messages is M (Col. 5, lines 51-53; Col. 6, lines 2-5; Col. 13, lines 62-67; Col. 14, lines 1-6; Col. 22, lines, 32-40; Col. 36, lines 38-67); and

if the timeout limit is exceeded before the first M messages in the sequence of N transmitted messages is indicated by the sequence of numbers are received, transmit the

acknowledgement to the peer node indicating the count of the messages received in continuous sequence from the first message in the sequence of N transmitted messages, wherein the count of messages received in continuous from the first message in the sequence of N transmitted messages (Col. 5, lines 51-53; Col. 6, lines 2-5; Col. 13, lines 54-59, lines 62-67; Col. 14, lines 1-6; Col. 22, lines, 32-40; Col. 30, lines 17-30; Col. 36, lines 38-67).

10. As per claim 11, Feeney teaches the peer computing system as recited in claim 1, wherein each of the messages includes a sequence number for use in ordering the received messages on the other peer node (Col. 13, lines 22-28).

11. As per claim 15, Feeney teaches the peer computing system as recited in claim 1, wherein the other peer node is configured to:

transmit other messages to the peer node over the communications channel (Col. 35, lines 15-22; Col. 49, lines 34-46);

receive acknowledgement that one or more of the transmitted other messages have been received by the peer node (Col. 36, lines 38-67); and

retransmit messages not acknowledged as received by the other peer node to the peer node on the communications channel (Col 44, lines 50-56).

12. As per claim 16, Feeney teaches the peer computing system as recited in claim 1, wherein the peer node comprises an instance of a pipe service executable with the peer node to establish the communications channel, transmit the messages to the other peer node, receive the acknowledgement, and retransmit the messages not acknowledged as

received (Col. 22, lines 41-43; Col. 35, lines 15-22; Col 44, lines 50-56; Col. 36, lines 38-67; Col. 49, lines 34-46;).

13. As per claim 17, Feeney teaches the peer computing system as recited in claim 16, wherein the other peer node comprises another instance of the pipe service executable within the other peer node to receive the transmitted messages and transmit the acknowledgement to the peer node (Col. 5, lines 51-53; Col. 6, lines 2-5; Col. 13, lines 62-67; Col. 14, lines 1-6; Col. 22, lines, 32-43; Col. 36, lines 38-67).

14. As per claim 18, Feeney teaches the peer computing system as recited in claim 1, wherein the communications channel passes through one or more relay peers, wherein one or more relay peers are configured to receive the transmitted messages from the peer node and forward messages to the other peer node (Col. 49, lines 34-39, lines 57-64).

15. As per claim 21, Feeney teaches the peer computing system as recited in claim 1, wherein one or more other of the plurality of peer nodes are configured to connect to the communications channel, wherein the peer node is further configured to:

transmit messages to the one or more other peer nodes over the communications channel (Col. 35, lines 15-22; Col. 49, lines 34-46);

receive acknowledgements that one or more of the transmitted messages have been receive by the one or more other peer nodes (Col. 36, lines 38-67); and

retransmit messages not acknowledged as received by the one or more other peer nodes to the one or more other peer node on the communications channel (Col 44, lines 50-56).

16. As per claim 23, Feeney teaches the peer computing system as recited in claim 1, wherein the peer node is further configured to:

receive a request specifying one or more previously transmitted messages for retransmission (Col. 44, lines 46-56); and

retransmit the specified one or more messages to the other peer node on the communications channel in response to the request (Col. 16, lines 38-43; Col. 44, lines 46-56).

17. As per claim 24, Feeney teaches the peer computing system as recited in claim 23, wherein the request specifies a sequence number for each of the one or more specified messages, wherein the sequence numbers are for use in ordering the received messages on the other peer node (Col. 13, lines 22-40).

18. Claims 25-27 do not teach or define any new limitations above claims 1-3 and therefore are rejected for similar reasons.

19. Claims 32-33 do not teach or define any new limitations above claims 8-9 and therefore are rejected for similar reasons.

20. Claim 35 does not teach or define any new limitations above claim 11 and therefore is rejected for similar reasons.

21. Claims 39-40 do not teach or define any new limitations above claims 15 and 18, and therefore are rejected for similar reasons.

22. Claim 44 does not teach or define any new limitations above claim 23 and therefore is rejected for similar reasons.

23. Claims 45-47 do not teach or define any new limitations above claims 1-3 and therefore are rejected for similar reasons.

24. Claims 52-53 do not teach or define any new limitations above claims 8-9 and therefore are rejected for similar reasons.

25. Claim 55 does not teach or define any new limitations above claim 11 and therefore is rejected for similar reasons.

26. Claims 59-60 do not teach or define any new limitations above claims 15 and 18, and therefore are rejected for similar reasons.

27. Claim 64 does not teach or define any new limitations above claim 23 and therefore is rejected for similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

28. Claims 4-7, 28-31 and 48-51 are rejected under 103(a) as being unpatentable over Feeney in view of Wang et al. (hereinafter Wang), US 6,826,763, in view of Williams et al. (hereinafter Williams), US 6,721,286, and in further view of Johnson, Stephen B. (hereinafter Johnson), US 6,591,310.

29. As per claim 4, Feeney, Williams and Johnson do not explicitly teach the peer computing system as recited in claim 3, wherein N is a positive integer, and wherein M is equal to N/2.

30. Wang teaches a peer computing system wherein N is a positive integer, and wherein M is equal to N/2 (Col. 3, lines 26-38; Col. 16, lines 19-22).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wang and Feeney because they both deal with transmitting acknowledgements over a network to ensure the readiness of the receiving node. Furthermore, the teaching of Wang to allow wherein N is a positive integer, and wherein M is equal to N/2 would improve the functionality of Feeney's system by verifying that the receiving node had sufficient resources to receive the incoming data and reorganize their send/receive processes to minimize idle time.

32. Claims 28 and 48 do not teach or define any new limitations above claim 4 and therefore are rejected for similar reasons.

34. As per claim 5, Feeney, Wang and Johnson do not explicitly teach the peer computing system as recited in claim 3, wherein M is less than N.

35. Williams teaches a peer computing system as recited in claim 3, wherein M is less than N (Col. 20, lines 37-44).

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Williams and Feeney because they both deal with the transmission of data between devices utilizing buffers. Furthermore, the teaching of Williams to allow wherein M is less than N would improve the functionality of Feeney's

system by allowing to determine whether the data being sent is not larger than what the receiving node can handle in order to ensure that it is able to interpret the data received.

37. Claims 29 and 49 do not teach or define any new limitations above claim 4 and therefore are rejected for similar reasons.

38. As per claim 6, Feeney teaches the peer computing system as recited in claim 5, wherein, to receive acknowledgement that one ore more of the transmitted messages have been received by the other peer node is further configured to receive the acknowledgement indicating that the M messages have been received, and wherein the peer node is further configured to:

transmit the messages to the other peer node over the communications channel (Col. 35, lines 15-22; Col. 49, lines 34-46).

39. Feeney does not teach the peer computing system wherein the peer node is further configured to shift the window in the buffer.

40. Johnson teaches a peer computing system wherein the peer node is further configured to shift the window in the buffer (Col. 14, lines 43-47; Col. 15, lines 27-30).

41. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Johnson and Feeney because they both deal with message transmission in a peer-to-peer network. Furthermore, the teaching of Johnson to allow wherein the peer node is further configured to shift the window in the buffer would improve the functionality of Feeney's system by allowing for a message to be sent utilizing the appropriate bits remaining to ensure transmission of the messages in the buffer.

42. Claims 30 and 50 do not teach or define any new limitations above claim 6 and therefore are rejected for similar reasons.

43. As per claim 7, Feeney teaches the peer computing system as recited in claim 6, wherein one or more messages previously transmitted to the other peer node and one or more messages not previously transmitted (Col. 35, lines 15-22; Col. 41, lines 38-48; Col. 49, lines 34-46).

44. Feeney does not teach the peer computing system including a shifted window including messages.

45. Johnson teaches a peer computing system including a shifted window including messages (Col. 14, lines 43-47; Col. 15, lines 27-30).

46. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Johnson and Feeney because they both deal with message transmission in a peer-to-peer network. Furthermore, the teaching of Johnson to allow a shifted window including messages would improve the functionality of Feeney's system by allowing for messages to be sent utilizing appropriate bits present before and after a shift in the buffer to ensure transmission of all messages.

47. Claims 31 and 51 do not teach or define any new limitations above claim 7 and therefore are rejected for similar reasons.

48. Claim 10, 34 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Johnson.

49. As per claim 10, Feeney teaches the peer computing system as recited in claim 9, wherein, to receive acknowledgement that one or more of the transmitted messages have been received by the other peer node, the peer node is further configured to receive the acknowledgement indicating that the messages have been received, and wherein the peer node is further configured to:

transmit the messages to the other peer node over the communications channel (Col. 35, lines 15-22; Col. 49, lines 34-46).

50. Feeney does not teach the peer computing system wherein a peer node is further configured to shift the window in the buffer.

51. Johnson teaches a peer computing system wherein a peer node is further configured to shift the window in the buffer (Col. 14, lines 43-47; Col. 15, lines 27-30).

52. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Johnson and Feeney because they both deal with message transmission in a peer-to-peer network. Furthermore, the teaching of Johnson to allow wherein a peer node is further configured to shift the window in the buffer would improve the functionality of Feeney's system by allowing for messages to be sent utilizing appropriate bits present before and after a shift in the buffer to ensure transmission of all messages.

53. Claims 34 and 54 do not teach or define any new limitations above claim 10 and therefore are rejected for similar reasons.

54. Claims 12-14, 36-38 and 56-58 are rejected under U.S.C. 103(a) as being unpatentable over Feeney, in view of Habusha et al. (hereinafter Habusha), US 6,477,590, and in further view of Raffel et al. (hereinafter Raffel), US 5,675,629.

55. As per claim 12, Feeney teaches the peer computing system as recited in claim 1, wherein the peer node and the other peer node are further configured to:

monitor reception and retransmission of the messages to determine reliability of the communications channel on the network (Col. 27, lines 48-57; Col. 44, lines 50-58; Col. 49, lines 57-64).

56. Feeney does not teach the peer computing system further configured to adjust the values of M and N according to said reliability of the communications channel.

57. Habusha teaches a peer computing system wherein the peer node and the other peer node are configured to adjust the values of M and N accordingly (Col. 9, lines 3-8).

58. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Habusha and Feeney because the both deal with transmission of messages over a peer computing network. Furthermore, the teaching of Habusha to allow wherein the peer node and the other peer node are configured to adjust the values of M and N accordingly would improve the functionality of Feeney's system by allowing for an increase of efficiency of data flow as it prevents messages from being lost in transit where transmission is based on the readiness of a node to receive the particular size message being sent.

59. Claims 36 and 56 do not teach or define any new limitations above claim 12 and therefore are rejected for similar reasons.

60. As per claim 13, Feeney and Habusha do not explicitly teach the peer computing system s recited in claim 12, wherein, to adjust the values of M and N, the peer node and the other peer node are further configured to lower the values of M and N if the said reliability of the communication channel is poor.

61. Raffel teaches a peer computing system to adjust the values of M and N, the peer node and other peer node are further configured to lower the values of M and N if the said reliability of the communication channel is poor (Col. 5, lines 29-41, lines 60-67; Col. 6, lines 1-8).

62. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Raffel and Feeney because both deal with transmission of data between nodes and a host. Furthermore, the teaching of Raffel to allow a peer computing system to adjust the values of M and N, the peer node and other peer node are further configured to lower the values of M and N if the said reliability of the communication channel is poor would improve the functionality of Feeney's system by allowing it to accordingly select the amount of messages send on each transmission line pertaining to the strength of the communication channel in order to avoid the loss of messages during communication.

63. Claims 37 and 57 do not teach or define any new limitations above claim 13 and therefore are rejected for similar reasons.

64. As per claim 14, Feeney and Habusha do not explicitly teach the peer computing system s recited in claim 12, wherein, to adjust the values of M and N, the peer node and

the other peer node are further configured to raise the values of M and N if the said reliability of the communication channel is good.

65. Raffel teaches a peer computing system to adjust the values of M and N, the peer node and other peer node are further configured to raise the values of M and N if the said reliability of the communication channel is good (Col. 5, lines 29-41, lines 60-67; Col. 6, lines 1-8).

66. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Raffel and Feeney because both deal with transmission of data between nodes and a host. Furthermore, the teaching of Raffel to allow a peer computing system to adjust the values of M and N, the peer node and other peer node are further configured to raise the values of M and N if the said reliability of the communication channel is good would improve the functionality of Feeney's system by allowing it to accordingly select the amount of messages send on each transmission line pertaining to the strength of the communication channel in order to increase the amount of information transferred based upon a strong signal.

67. Claims 38 and 58 do not teach or define any new limitations above claim 14 and therefore are rejected for similar reasons.

68. Claims 19-20, 41-42 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Ylonen, Tatu (hereinafter Ylonen), US 6,795,917.

69. As per claim 19, Feeney does not explicitly teach the peer computing system as recited in claim 1, wherein the communications channel passes through one or more firewalls.

70. Ylonen teaches a peer computing system wherein the communications channel passes through one or more firewalls (Col. 1, lines 19-28).

71. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ylonen and Feeney because both deal with sending and receiving messages/packets over a peer network. Furthermore, the teaching of Ylonen to allow wherein the communications channel passes through one or more firewalls would improve the functionality of Feeney's system by increasing security through advanced authentication and confidentiality of the data traffic.

72. Claims 41 and 61 do not teach or define any new limitations above claim 19 and therefore are rejected for similar reasons.

73. As per claim 20, Feeney does not explicitly teach the peer computing system as recited in claim 1, wherein the communications channel passes through one or more Network Address Translation (NAT) gateways.

74. Ylonen teaches a peer computing system wherein the communications channel passes through one or more Network Address Translation (NAT) gateways (Col. 9, lines 22-33).

75. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ylonen and Feeney because both deal with sending and receiving messages/packets over a peer network. Furthermore, the teaching of

Ylonen wherein the communications channel passes through one or more Network Address Translation (NAT) gateways would improve the functionality of Feeney's system by allowing for correct address information to be transferred between the sending and receiving node so that each party will then see the address of the actual machines rather than the other end's firewall address.

76. Claims 42 and 62 do not teach or define any new limitations above claim 20 and therefore are rejected for similar reasons.

77. Claim 22, 43 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Aaker et al. (hereinafter Aaker), US 5,758,087.

78. As per claim 22, Feeney teaches the peer computing system as recited in claim 1, wherein the peer node is further configured to retransmit the messages to the other peer node over the communications channel (Col 44, lines 50-56).

79. Feeney does not teach the peer computing system as recited in claim 1, wherein the peer node is further configured to compare elapsed time since the messages were transmitted to a timeout limit.

80. Aaker teaches a peer computing system wherein the peer node is further configured to compare elapsed time since the messages were transmitted to a timeout limit (Col. 5, lines 35-45).

81. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aaker and Feeney because they both deal with sending and receiving information in a computer communications network. Furthermore,

the teaching of Aaker to allow wherein the peer node is further configured to compared elapsed time since the messages were transmitted to a timeout limit would improve the functionality of Feeney's system by allowing for alternative actions to be prepared for instances where the data is unable to be sent and needs to be retransmitted via other protocol incorporating a time limit in order not to waste a systems resources waiting for transmission.

82. Claims 43 and 63 do not teach or define any new limitations above claim 22 and therefore are rejected for similar reasons.

Conclusion

83. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Reliable Peer-To-Peer Connections".

i.	US 6,778,491	Fourcand et al.
ii.	US 6,816,461	Scrandis et al.
iii.	US 2003/0067912	Mead et al.

84. A shortened statutory period for reply to this Office action is set to expire in THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-

3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nam
March 3, 2005

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100